IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 19TH DECEMBER 2007 / 28TH AGRAHAYANA 1929

Bail Appl..No. 7985 of 2007()

CC.110/2006 of J.M.F.C.-III,PALAKKAD
CRIME NO.166/05 OF MANKARA POLICE STATION

.....

PETITIONER:

V. SUBHRAMANIAN,
S/O. KRISHNANKUTTY,
VENGARATHOTTIL HOUSE,
PUNCHAPADAM,
PALAKKAD.

BY ADV. SRI.VINOD KUMAR.C

RESPONDENT:

STATE, REPRESENTED BY
S.I. OF POLICE,
MANKARA, THROUGH THE
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No.7985 OF 2007

Dated this the 19th day of December, 2007

ORDER

The petitioner faces indictment in a prosecution for offences punishable, inter alia, under Sec.420 of the IPC. Cognizance has already been taken by the learned Magistrate. The petitioner has not entered appearance. A warrant of arrest is issued by the learned Magistrate to procure the presence of the petitioner. The petitioner finds such warrant of arrest chasing him.

2. According to the petitioner, he is absolutely innocent. His absence earlier was not wilful or deliberate. He is willing to appear before the learned Magistrate. The petitioner apprehends that his application for regular bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. It is, in these circumstances, that

the petitioner has come to this Court for a direction to the learned Magistrate to release him on bail when he appears before the learned Magistrate.

3. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which he could not earlier appear before the learned Magistrate. I have no reason to assume that the learned Magistrate would not consider the petitioner's application for regular bail on merits, in accordance with law and expeditiously. No special or specific directions appear to be necessary. Every court must do the same. Sufficient general directions on this aspect have already been issued in the decision reported in **Alice George v. Deputy Superintendent of Police** (2003 (1) KLT 339).

4. In the result, this bail application is dismissed; but with the observation that if the petitioner surrenders before the learned Magistrate and seeks bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits

and expeditiously – on the date of surrender itself.

5. Hand over a copy of this order to the learned counsel for the petitioner.

Sd/-

(R. BASANT, JUDGE)

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//true copy//

P.S. to Judge